

Amendment No. 1 to SB0578

Southerland
Signature of Sponsor

AMEND Senate Bill No. 578

House Bill No. 290*

by deleting subdivision () (2) in Section 1 and by substituting instead the following:

(2)

(A) Except as provided in subdivisions (2)(B)(i) and (3) of this subsection, under no circumstances shall the commissioner issue or renew a permit, certification, or variance that would allow surface coal mining operations to alter or disturb any ridgeline that is above two thousand feet (2,000') elevation above sea level, such elevation being determined using the most current edition of the United States forest service's publication, Ecological Subregions of the United States.

(B)

(i) A permit, certificate, or variance may be renewed if the renewal would not in any way:

(a) Increase the surface area covered by the permit, certification, or variance; or

(b) Expand the activities allowed by the permit, certification, or variance that are otherwise prohibited by subdivision (2)(A).

(ii) No permit, certification, or variance that would allow surface coal mining operations prohibited by subdivision (2)(A) is transferable to another person. For purposes of this subdivision (B)(ii), a transfer of a majority interest in a business association, including a corporation, partnership, trust, joint venture, limited liability company and any other business association, shall be deemed a transfer of the permit, certification, or variance held by such business association, and shall render the permit, certification, or variance void. Any

change in ownership of a business association shall be reported to the commissioner under rules prescribed by the commissioner.

(C) This subdivision (2) does not:

(i) Prohibit any otherwise allowable surface coal mining above two thousand feet (2,000') elevation above sea level that does not alter or disturb a ridgeline; or

(ii) Limit any right secured by any valid permit, certification, or variance issued by the state in effect upon the effective date of this act.